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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,734	11/13/2001	Takehiro Ikeda	15689.88	3537

7590 03/06/2006

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EXAMINER

NGUYEN, HUY D

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/054,734

Applicant(s)

IKEDA ET AL.

Examiner

Huy D. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,6,13 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13,25,26,29 and 30 is/are rejected.
- 7) ☒ Claim(s) 5-6, 27-28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 5-6, 13, 25-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. The term "transferable" in claims 5-6, 13, 25-28 is not defined by the claims and therefore renders the claims indefinite, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.
4. Claims 13, 25 recite the limitation "the controlling information". There is insufficient antecedent basis for this limitation in the claims.
5. The examiner will reads the phrase "the controlling information" as "the information for controlling coverage of its own broadcast information".

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 13, 25, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Uebayashi et al. (U.S. Patent No. 6,181,944) in view of Kito et al (U.S. Patent No. 5,842,128).

Regarding claims 13, 25, and 29, Uebayashi et al. teaches a method for controlling broadcast information in base station that offers radio communication services in a service area, said base station performing the steps of: receiving information about broadcast information sent from other base station (e.g, exchange information among the base stations), the broadcast information including information for controlling transferable coverage of its own broadcast information (e.g., regulation information, channel structure information, see column 10, lines 26-27); generating broadcast information about a broadcasting area of said base station, based upon said received information about the broadcast information (see column 10, lines 9-37).

Uebayashi et al. fails to teach judging whether a condition indicated by the controlling information is met or not, based upon said received information about the broadcast information; and when a result of the judgment meets the condition, transferring said received information about broadcast information to base stations other than said other base station which is a source of the information about broadcast information. The preceding limitation is taught in Kito et al (see column 19, lines 27-32). It would have been obvious to one having ordinary skill in the art, at the time of the invention, to apply the teaching of Kito et al. to the teaching of Uebayashi et al. in order to provide a mobile communication system in which it is possible to suppress an increase in an amount of traffic of control signals necessary in keeping the mobile communication system in operation.

8. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uebayashi et al. (U.S. Patent No. 6,181,944) in view of Kito et al. (U.S. Patent No. 5,842,128) and in further view of Malko (U.S. Patent No. 6,519,248).

Regarding claim 26, Uebayashi et al. and Kito et al. do not teach multicast. However, the preceding limitation is taught in Malko (col. 15, lines 42-48). Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to use multicast as taught in Malko in order to conserve resource.

9. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uebayashi et al. (U.S. Patent No. 6,181,944) in view of Kito et al (U.S. Patent No. 5,842,128) and in further view of Day (U.S. Patent No. 6,463,273).

Regarding claim 30, Uebayashi et al. and Kito et al. do not teach mobile communication system as claimed in claim 29, further comprising a mobile station that comprises means for acquiring broadcast information about an area other than a broadcasting area the mobile station is visiting, from a base station in the broadcasting area the mobile station is visiting. However, the preceding limitation is taught in Day (col. 2, lines 36-52). Therefore, it would have been obvious to one of ordinary skill in the art to apply the teaching of Day to the teaching of Uebayashi et al. and Kito et al. to alert and advise selected users to potential or existing emergencies.

Allowable Subject Matter

10. Claims 5-6 and 27-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to overcome the 35 U.S.C. 112 rejection above and rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Regarding claims 5 and 27, the closest prior arts, Uebayashi et al., Kito et al., and Malko, either singularly or in combination, fail to teach the method for controlling broadcast information

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as claimed in claim 13, wherein the information for controlling the transferable coverage of the broadcast information includes a hopping number field value.

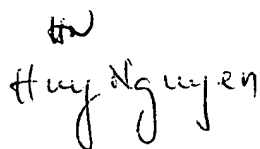
Regarding claims 6 and 28, the closest prior arts, Uebayashi et al., Kito et al., and Malko, either singularly or in combination, fail to teach the method for controlling broadcast information as claimed in claim 13, characterized in that the information for controlling the transferable coverage of the broadcast information includes latitude and longitude information of a source base station and its desired reception coverage value.

Contact Information

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Nguyen whose telephone number is 571-272-7845. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Huy D. Nguyen


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER